Such denials considered, and held insufficient to overcome the testimony of the mailing and the presumption of delivery. Ignorance which is the effect of inexcusable negligence is no excuse for laches, and knowledge of facts and circumstances which would put a person of ordinary prudence and diligence on inquiry is in the eyes of the law equivalent to a knowledge of all the facts which a reasonably diligent inquiry would disclose. While mere delay for a time longer than that fixed by the analogous statute of limitations of law may not work laches, the intervention during such delay of great changes in the value of speculative property and of the rights of an innocent purchaser, and the loss, by the disappearance of an important witness, of evidence of the facts of the transactions in controversy, are ample to work the estoppel of a fatal laches. The silence and inactivity of a stockholder of a corporation for five years after an illegal sale by his company of his stock for an unpaid assessment, and until, upon the certificate of such sale to the purchaser, an innocent purchaser has bought the stock and received a certificate to himself, and a further delay of two years before bringing suit against the second transferee, the bona fide purchaser, estops the stockholder from obtaining any relief in equity against him.

Evidence—Opinion Evidence; Handwriting—Noyes v. Noyes et al., 112 N. E. 850.—In the principal case it was held that while ordinarily opinion evidence from one having no special qualification is not admissible, expressions of opinion on common affairs of life which convey definite conceptions of actual facts will be received, although in the case of disputed writings, where there is an admittedly genuine signature before the jury a lay witness not shown to have been particularly familiar with the genuine signature will not be allowed to give his opinion. Where a lay witness had no particular familiarity with the signature of a deceased person but had seen him write his name once in the past, the court held that such witness should not be allowed to give his opinion as to the genuineness of a writing in dispute. The court said in part:

"It was said by way of illustration in the thorough and full discussion of this general subject, in Commonwealth *v.* Sturtivant, 117 Mass. 122, 133 (19 Am. Rep. 401): 'Every person is competent to express an opinion on a question of identity as applied to persons, things, animals or handwriting.'

"It is plain, from the connection in which that sentence occurs in the opinion, that it was not intended to lay down an unvarying rule that everybody called as a witness might under all circumstances testify whether, in his opinion, a disputed signature was genuine. It presupposed that there was some recognized necessity for the admission of such testimony. Where, for instance, the point in controversy is whether a lost document was in the handwriting of a cer-

tain person, anybody familiar with that person's handwriting may testify, although he pretends to no skill in the matter. State *v.* Shinborn, 46 N. H. 497, 88 Am. Dec. 224. So also, where one has considerable familiarity with the signature or handwriting of a person growing out of numerous observations, he may give his opinion even though unable to read or write. Foye *v.* Patch, 132 Mass. 105, 108. Where undoubted standards of handwriting, as well as the questioned signature, are before the jury, there is no occasion for the testimony of one who is neither an expert nor possessed of considerable familiarity with the handwriting of the person whose signature is under examination. The opinion of the jury under such circumstances is quite as good as that of the witness of ordinary experience who has no particular acquaintance with the genuine handwriting. There is, under such circumstances, no occasion for the opinion of the outsider of only ordinary intelligence. Whalen *v.* Rosnosky, 195 Mass. 545, 81 N. E. 282, 122 Am. St. Rep. 271; Commonwealth *v.* Tucker, 189 Mass. 457, 486, 76 N. E. 127, 7 L. R. A. (N. S.), 1056."

Automobiles—Relative Rights of Driver of Automobile and Pedestrian—Aiken v. Metcalf, 97 Atl. 669.—In the principal case the court said that a pedestrian and the driver of an automobile have equal and reciprocal rights in the highway, and each is bound to make use of his own right so as not to interfere with that of the other. A driver of an automobile, which on account of its speed, weight and quietness of locomotion can do great damage, is under duty to exercise a greater and more constant caution in the use of the highway than is a pedestrian, being required to exercise care commensurate with the dangers arising from a lack of it. A pedestrian crossing the highway is also bound to exercise care in avoiding dangers, as from an approaching automobile, commensurate with the danger arising from lack of care that a prudent man would exercise under the same circumstances—a measure of duty varying with the circumstances.

It was further held that the rule, applicable to one approachng a railroad crossing, does not apply to a pedestrian crossing a highway, relative to his duty to look out for an automobile; the look and listen rule and the constant vigilance rule not applying to a pedestrian using the public highway. A foot passenger crossing a highway has a right to assume, nothing appearing to the contrary, that the driver of an approaching automobile will obey the law and not drive in a careless or negligent manner, will observe the usual road rules, and not take the left side of the road.

Negligence—Liability of Manufacturer—Kerwin v. Chippewa Shoe Mfg. Co., 157 N. W. 1101.—In the principal case it was held that a manufacturer of shoes who uses nails in the soles in such a manner